



VIA ECF

Hon. Charles R. Breyer
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102

Re: In re Volkswagen “Clean Diesel” Marketing, Sales Practices and Products Liability Litigation, MDL 2672 (Application of Hunter J. Shkolnik for appointment to the Plaintiffs’ Steering Committee)

Dear Judge Breyer:

Pursuant to the Court’s Initial Order, Pre-trial Order No. 2, the undersigned, submits this Application for appointment to the Plaintiffs’ Steering Committee (“PSC”).

I am a Senior Partner at Napoli Shkolnik PLLC (NS), a law firm with over 100 employees, 40 lawyers, and offices in New York, New Jersey, Pennsylvania, Illinois, California, Delaware and Florida. We are recognized nationally for handling complex product liability and other significant exposure matters. NS is heavily involved in litigations requiring client representation all over the country, for drug, product and other toxic exposures; as well as consumer class actions. Our partners have presented and published extensively in such areas as toxic tort, trial practice, drug and medical device litigation, medical malpractice, automobile, substantial truck product liability, class action litigation, expert witness preparation and Daubert hearings. We are well-versed in both federal and state procedural laws. I submit a copy of my personal and firm resume as Exhibit “A”.

I have had the privilege of serving as court-appointed Co-Lead Counsel and as a member of the Plaintiffs’ Steering Committee in many complex multidistrict proceedings in the United States, including those described in greater detail in the list of cases attached as Exhibit “B”. From these experiences I have learned how important it is to have strong leadership, supported by a diverse steering committee, with highly skilled lawyers with the knowledge and skill set to address the demands and challenges presented in massive litigations like the present action. Moreover, I understand the importance of having, not only first-rate legal minds, as well as seasoned and respected leaders, but top notch lawyers who will accept any assignment. Lawyers that will work tirelessly to support all of the clients entrusted to the leadership in cases of this magnitude.

It would be my privilege to apply my experience to the plaintiffs’ common benefit here, and, if appointed, I will commit my personal and firm’s time and resources to so serve. I would welcome the opportunity to serve on the Plaintiffs Steering Committee and support the Lead Counsel.



In response to the specific items identified in Pretrial Order No. 2, I address them seriatim, below.

(1) Experience and Court Appointments.

As Exhibit “B” shows, I currently am, or have been, a member of the Plaintiffs Steering Committee and/or a Lead Counsel in various drug product liability, class action and other mass tort litigation areas. I have been appointed by state and federal courts throughout the country to serve in leadership capacities, including lead counsel, settlement counsel and executive committee member. This includes over 5 high-profile MDLs. I have been appointed to MDL trial teams, MDL negotiating teams and participated in negotiating over \$2 billion in MDL-related settlements. I have also been appointed to a variety of MDL Federal and MDL State Coordination Committees. These appointments and opportunities have provided me with the knowledge and ability to be a useful member of the Plaintiffs’ Steering Committee in this litigation.

I would highlight my work in *In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, MDL 2151 where I was appointed to the Wrongful Death Steering Committee. This is an example, where I provided highly technical “boots on the ground” input that allowed me to draw from the many years of experience handling heavy auto and product liability litigations. In addition to participating in a number of high level technical depositions, I co-lead the team traveling to Japan to depose the automotive computer code architects. This code proved to be the defect in the litigation. Given the current knowledge about the Volkswagen defect, we know the Leadership team needs automotive computer code knowledge and the ability to depose computer experts, through interpreters, as we did in *Toyota*.

(2) Contact information for judges presiding over the cases referenced in item (1).

The attached Exhibit “B” sets forth the presiding judges with contact numbers.

(3) Willingness and ability to immediately commit to time-consuming litigation

Presently, my current Lead Counsel and Steering Committee positions that were the most active are either in the final settlement stages (*Nuvaring*) or on appeal (*Incretin*). This has freed me up to be ready and available to begin working on this case immediately.

I submit that I will personally make myself, needed support staff, and associates requested by Lead Counsel, available in furtherance of its duties. I have previous extensive Lead Counsel experience as and understand the importance of supporting the leadership whenever and wherever they need help.

(4) Willingness and ability to work cooperatively with other plaintiffs’ counsel and defense counsel.



I have a proven track record of working well with others in the many Class and Mass Torts Actions where I have been appointed as either Lead Counsel and/or to the Plaintiffs Steering Committee, and in many cases various sub-committees. As the extensive list of cases set forth in Exhibit "B" reveals, I have served in every level of the MDL structure, from my early days doing document review, to leading discovery committees, science committees, deposition teams, bellwether trial selection teams, trial teams, as well as serving as national settlement counsel. This vast experience of working within complex MDL structures and very different leaderships allows me to bring a wealth of knowledge that is needed in this litigation. I am further willing to commit the necessary resources to assist Lead Counsel in pursuing this litigation at an expeditious pace. I believe that without exception, I have succeeded in maintaining the highest standards of decorum, cooperation and collegiality among plaintiff and defense counsels alike. Should the Court so desire, I would be pleased to provide a list of co-counsel and defense counsels who will vouch for my professionalism and ability. Attached as Exhibit "C" is a list of highly respected counsel who would support my inclusion in leadership.

(5) Access to resources to prosecute this litigation in a timely manner.

I represent to the Court that my firm possesses ample resources, in terms of personnel and funding, to prosecute this case in a timely and efficient manner.

(6) Willingness to serve a member of the steering committee, or both. Please see below.

(7) Category or categories of plaintiffs to be represented. I would be happy to serve as a member of the Plaintiffs' Steering Committee for any one of the subcategories of claimants; i.e., vehicle owners, vehicle lessees or car dealerships.

(8) Further qualifications to be considered. Over the course of 30 years of practice I have the opportunity to teach, lecture and write on various topics related trial practice, class actions, mass tort, ethics, product liability, complex litigation, etc. These important opportunities have helped me develop a very pragmatic outlook on complex litigation and the need to effectively, economically and expeditiously litigate and resolve very complex matters. I believe these characteristics will be important in bringing this case to resolution.

Respectfully submitted,

/s/ Hunter Shkolnik

Hunter J. Shkolnik

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Attachments

cc: All Counsel (via ECF)